

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,364,839 B2)
Issued: April 29, 2008) Group Art Unit: 1795
Inventors: Kei HAYASAKI et al.) Examiner: Kathleen DUDA
Application No.: 10/624,593) Conf. No. 7500
For: METHOD FOR FORMING A PATTERN AND)
SUBSTRATE-PROCESSING APPARATUS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DETERMINATION OF PATENT TERM ADJUSTMENT - POST GRANT

The U.S. Patent and Trademark Office (PTO) issued the subject U.S. Patent No, 7,364,839 (the '839 patent) with a patent term adjustment of 99 days. Applicants filed a Notice of Error in Determination of Patent Term Adjustment, along with the Issue Fee payment, on March 13, 2008, notifying the PTO that Applicants' calculations determined the patent term adjustment to be 39 days, provided the patent issued in a timely manner. The patent issued on April 29, 2008. The three year pendency date for determination of patent term adjustment is July 23, 2006.

In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, patentees submit it is entitled to a total patent term adjustment of 65 days which is the sum of 26 days of patent term adjustment due to exceeding three year pendency and 39 days due to U.S. PTO delay in prosecution.

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Customer No. 22,852
Attorney Docket No. 04329.3100

If there are any fees due in connection with the filing of this request, please
charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: October 24, 2008

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Enclosures
RVB/FPD/klm

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